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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

9 JUAN ESCALERA, individually;

10 Plaintiff,
11 vs.

12 SMITH'S FOOD & DRUG CENTERS, INC.;
13 DOES 1 through 100; and ROE
14 CORPORATION 101 through 200, inclusive,

15 Defendant(s).

CASE NO.: 2:17-cv-02416-RFB-PAL

STIPULATION FOR EXTENSION OF DISCOVERY DEADLINES (First Request)

16 The above named parties, by and through their respective counsel of record, hereby
17 submit the following STIPULATION FOR EXTENSION OF DISCOVERY DEALINES (First
18 Request).

A. DISCOVERY COMPLETED TO DATE

20 This matter involves a slip and fall at one of Defendant's stores. On October 13, 2017,
21 the parties held an initial Rule 26(f) Conference. Defendant served its initial disclosure of
22 witnesses and documents on October 30, 2017. Plaintiff served his initial disclosure of witnesses
23 and documents on November 1, 2017. On November 2, 2017, the Court entered a Stipulated
Discovery Plan/Scheduling Order.

24 The parties have recently propounded written discovery on each other. They will be
25 responded to on a timely basis.

26 Defendant has requested Plaintiff's medical records and films directly from his medical
27 providers through records authorizations provided by Plaintiff.

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1 Counsel has exchanged dates for the depositions of parties and percipient witnesses. The
 2 depositions will take place early in 2018.

3 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

4 Both sides need to respond to written discovery requests. Defendant is still obtaining
 5 Plaintiff's medical records through authorizations provided by Plaintiff. Defendant needs to
 6 conduct the deposition of Plaintiff and various depositions of Plaintiff's treating healthcare
 7 providers once Defendant has received Plaintiff's medical records directly from the providers.
 8 Defendant also needs to conduct the deposition of the percipient witness, including Usvaldo
 9 Cruz. Defendant may seek to have Plaintiff appear for a Rule 35 Examination.

10 Plaintiff anticipates conducting the depositions of Defendant's employees and
 11 Defendant's Person Most Knowledgeable. The parties also anticipate designating expert
 12 witnesses and conducting the depositions of any designated expert witnesses. They may
 13 subsequently decide to disclose rebuttal experts.

14 **C. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED**

15 Defendant is still in the process of obtaining medical records and films. It is important to
 16 note that the medical records related to this incident are voluminous. At this time, the parties
 17 have discussed the above issues and are cooperating to ensure that the records are recovered
 18 expeditiously.

19 Defendant needs to obtain those records and films before conducting the deposition of
 20 Plaintiff and his treating healthcare providers. The parties would like to limit their expenses and
 21 possibly conduct mediation if warranted. The parties are also in the process of scheduling
 22 depositions of key parties and percipient witnesses.

23 **D. PROPOSED DISCOVERY SCHEDULE**

24 Close of Discovery: May 14, 2018

25 Dispositive Motions: June 14, 2018

26 Joint Pre-Trial Order: July 13, 2018

27 Last Day to Amend Pleadings: Closed

28 Initial Expert Disclosures: March 12, 2018

29 Rebuttal Expert Disclosures: April 12, 2018

30 Interim Status Report: March 12, 2018

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1 **E. FRCP 26(a)(3) Disclosures:**

2 The disclosures required by FRCP 26(a)(3), and any objections thereto, shall be
3 included in the joint pre-trial order.

4 **F. Extensions or Modifications of the Discovery Plan and scheduling Order:**

5 Any stipulation or motion must be made no later than 21 days before the subject deadline.

6 Requests to extend discovery deadlines must comply fully with LR 26-4

7 Date this 21st of December, 2017

8 **COOPER LEVENSON, P.A.**

9 /s/ Jerry S. Busby

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16 IT IS SO ORDERED.

17 Dated this 19th day of January, 2018

18 
19 UNITED STATES MAGISTRATE JUDGE

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22 If dispositive motions are filed, the deadline for filing the joint pretrial order will be
23 suspended until 30 days after decision on the dispositive motions or further court order.

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